IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.2231 OF 2007
IN
SUIT NO. 1626 OF 2007

E-City Entertainment India Private Limited and another .. Plaintiffs
v/s.
Well-Wisher Construction & Finance Private Limited
and another .. Defendants

ALONGWITH

CHAMBER SUMMONS NO.941 OF 2007
IN
SUIT NO.1626 OF 2007

E-City Entertainment India Private Limited and another .. Plaintiffs
v/s.
Well-Wisher Construction & Finance Private Limited
and another .. Defendants
And
Cinemax India Limited .. Respondent

Mr. Janak Dwarkadas, senior counsel with Mr. Chirag Balsara i/by M/s. Law Charter for the plaintiffs.
Dr. Virendra Tulzapurkar, senior counsel i/by M/s. ALMT Legal for the defendants.
Ms. Karishma Vora i/by M/s. Wadia Gandhy & Co. for the respondent.

CORAM : A.M. KHANWILKAR, J.
DATED : 10TH JULY, 2007

P.C.

Counsel for the respondent submits that relief in terms of prayer clause (b) of the chamber summons cannot be considered until the respondent is impleaded as party defendant in the suit. In so far as prayer clause (a) of the

chamber summons is concerned, admittedly, the respondent is subsequent lessee, will be a proper party in the pending proceedings.

2. In the circumstances, chamber summons is made absolute in terms of prayer clause (a) in the interest of justice and to avoid multiplicity of proceedings. Amendment to be carried out within one week from today. The defendants as well as newly added defendant may file reply affidavit in the Registry within one week from the date the amendment is carried out and serve on the defendants. Place the notice of motion after the pleadings are exchanged between the parties. Liberty to apply for ad-interim after pleadings are completed.

(A.M. KHANWILKAR, J.)